

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re the matter of

Nicole C. Ceci

CHAPTER 7 (Joliet)

NO. 19 B 01485

JUDGE Pamela S. Hollis

NOTICE OF MOTION

TO:

Nicole C. Ceci
214 Wheeler Ave.
Joliet Illinois 60436
Via regular mail

David M. Siegel
Via electronic notification

Peter N. Metrou
Via electronic notification

PLEASE TAKE NOTICE that on April 12, 2019 at 10:00 a.m., or as soon thereafter as Counsel may be heard, we shall appear before the Honorable Pamela S. Hollis, Bankruptcy Judge, at Joliet City Hall, 150 West Jefferson Street, 2nd Floor, Joliet, Illinois, and then and there present the attached Motion, a copy of which is hereby served upon you.

PROOF OF SERVICE

I, the undersigned attorney, certify that I served a copy of this Notice with Motion attached, upon debtor, as listed above, by mailing same in a properly addressed envelope, postage prepaid, from 120 South La Salle Street, Chicago, Illinois 60603 and via electronic notification on the remaining parties, as listed above, that occurs automatically after the filing the Motion. That the motion was filed, and the placement of any mailed copies being placed in the mail occurred before the hour of 5:00 P.M. on April 1, 2019.

BY: /s/ Christopher H. Purcell
CHRISTOPHER H. PURCELL

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SHERMAN & PURCELL LLP
120 South La Salle Street
Chicago, Illinois 60603
Attorney for American Eagle Bank

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MOTION TO CONFIRM TERMINATION OR ABSENCE OF AUTOMATIC STAY

Now comes AMERICAN EAGLE BANK, a creditor herein, by SHERMAN & PURCELL LLP, its attorneys, and moves this Honorable Court for entry of an Order confirming termination or absence of the stay, and in support thereof respectfully represents as follows:

1. The Debtor filed a Chapter 7 petition for relief on January 18, 2019 as well as a statement of intentions. The §341 meeting was scheduled for February 14, 2019.

2. American Eagle Bank is the creditor of the Debtor with respect to a debt secured by a 2016 Dodge Journey motor vehicle. The statement of intentions provides for the debt owed to American Eagle Bank to be reaffirmed.

3. A proposed reaffirmation agreement was sent to the debtor, via debtors counsel. It has not been executed and returned.

4. That more than 30 days has lapsed since the first scheduled meeting of Creditors and the debtor has failed to reaffirm the debt owed to American Eagle Bank. Therefore, the debtor has failed to satisfy Section 521(a)(2)(B) of the Bankruptcy Code.

5. That pursuant to Section 362(h)(1)(A) of the Bankruptcy Code the automatic stay pursuant to Section 362(a) of the Bankruptcy Code terminated as of November 13, 2015. Furthermore, the aforementioned property is no longer property of the estate.

6. That Section 362(j) of the Bankruptcy Code provides that a party in interest, like American Eagle Bank, can request and that the Court shall issue, an Order under Subsection (c) confirming that the Automatic Stay has been terminated.

WHEREFORE, AMERICAN EAGLE BANK prays that this Honorable Court enter an Order Confirming that the Automatic Stay was never imposed or has been terminated, and for such other and further relief as this Court may deem just.

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Phone: (312) 372-1487
Attorney for American Eagle Bank

AMERICAN EAGLE BANK.

BY: /s/ Christopher H. Purcell
One of its Attorneys